

Amendments to the Drawings:

Attached hereto in the Appendix is a replacement drawing sheet reflecting a correction to FIG. 9 to show the previously omitted reference number 85, as requested in the February 24, 2005, Office Action. No new matter is added by this amendment as the detail was also shown in FIG. 12 of the application as filed, and described in the original specification at Page 10, Lines 17-18.

Remarks/Arguments:

Claims 1-27 are currently pending in this application. Herein, Claims 1, 7, 11, 16 and 23 are currently amended and Claims 20 and 22 are cancelled.

In the Office action dated February 24, 2005, the drawings and Claims 7, 16, 20 and 22 were objected to, and Claims 1-27 were rejected. Specifically, Claims 7 and 16 were objected to because of informalities, Claims 20 and 22 were objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form, Claims 1-10 and 12-14 were rejected under 37 C.F.R. § 103(a) as being unpatentable over Burton '747 (U.S. Patent No. 6,257,747) in view of Miki (U.S. Patent No. 6,641,292), and Claims 11 and 15-27 were rejected under 37 C.F.R. § 103(a) as being unpatentable over Burton '153 (U.S. Patent No. 6,773,153) in view of Miki (U.S. Patent No. 6,641,292). Each issue is addressed in more detail below. Applicant has also corrected some typographical errors in the specification with this response.

Drawing Objections

The Office objected to FIG. 13 because it does not show the "lens 22 sealed to a reflector 24" as described in the specification at Page 7, Line 1. In response, Applicant has amended the specification to accurately describe FIG. 13. Thus, an amendment to FIG. 13 is not necessary. The Office also objected to FIG. 9 because it does not show the "central round opening 85" as described in the specification at Page 10, Lines 17-18. In response, Applicant has added reference number 85 to FIG. 9 and included an amended replacement sheet herewith. No new matter is added by this amendment as the detail was also shown in FIG. 12 of the application as filed, and described in the original specification at Page 10, Lines 17-18.

Claim Objections

The Office objected to Claims 7 and 16 because the recitation “with the lamp adjuster is actuated” is grammatically incorrect. In response, Applicant has amended Claims 7 and 16 to correct the grammatical issue. The Office also objected to Claims 20 and 22 for failing to further limit the subject matter of a previous claim. In response, Applicant has cancelled Claims 20 and 22.

Claim Rejections – 35 U.S.C. § 103(a)**Independent Claim 1:**

The Office Action rejected Claim 1 as unpatentable over Burton ‘747 in view of Miki stating that Burton ‘747 discloses all of the elements of Claim 1 except a motor engaged to the housing and control rod, and Miki discloses an axis adjusting apparatus wherein a motor integrally has an automatic angle adjusting structure for automatically adjusting the angle of the illumination axis of an automotive headlamp. The Office Action states that it would have been obvious to modify the adjuster of Burton ‘747 to incorporate the motor of Miki because Burton ‘747 mentions that motorized adjusters can be used in other applications, and it has been held that providing a mechanical or automatic means to replace manual activity which accomplishes the same result involves only routine skill in the art. Applicant respectfully disagrees.

First, Claim 1 recites an adjuster with *both* a motor, i.e. an automatic adjusting mechanism, and an anti-rotation gear, i.e. a manual adjusting mechanism. The adjuster of Burton ‘747 is manually adjusted using an input shaft 30 to turn a drive gear 28 which rotates the adjustment gear 34 to effect movement of the adjustment shaft 36. See Burton ‘747 Column 6, lines 15-34. The Office Action maintains that the adjustment gear 34 of Burton ‘747 is

equivalent to the anti-rotation gear of Claim 1, and the adjustment shaft 36 is equivalent to the control rod of Claim 1. If the motor of Miki replaced the manual adjusting mechanism of Burton '747, namely, the input shaft, drive gear, and adjustment gear, then the adjustment gear (or anti-rotation gear in the case of Claim 1) as recited in Claim 1 would not be necessary. Alternatively, if the motor of Miki replaced only the input shaft or input shaft and drive gear of Burton '747, the motor would not be engaged with the adjustment shaft (or control rod in the case of Claim 1) as recited in Claim 1. Instead, the motor would engage the adjustment gear (or anti-rotation gear in the case of Claim 1). Both the anti-rotation gear and motor of Claim 1 engage the control rod, and both can independently operate the adjuster, as recited in Claim 1 as amended herein. Claim 1 therefore does not recite an adjuster in which a routine replacement of a manual activity has been made. Thus, it would not be obvious to modify the adjuster of Burton '747 with the motor of Miki because Claim 1 does not recite an adjuster in which the manual adjusting mechanism has been replaced with an automatic adjusting mechanism.

Independent Claim 11:

The Office Action rejected Claim 11 over Burton '153 in view of Miki because Burton purportedly teaches all of the elements of Claim 11 except a motor engaged to the housing wherein the control rod passes through and is engaged by the motor, and Miki discloses an axis adjusting apparatus wherein a motor integrally has an automatic angle adjusting structure for automatically adjusting the angle of the illumination axis of an automotive headlamp. The Office Action thus states it would have been obvious to modify the adjuster of Burton '153 to incorporate the motor of Miki because it has been held that providing a mechanical or automatic

means to replace manual activity which accomplishes the same result involves only routine skill in the art. Applicant respectfully disagrees.

Like Claim 1 discussed above, Claim 11 also recites an adjuster with both an automatic adjusting mechanism and a manual adjusting mechanism and is thus not obvious. In Burton '153, the adjuster is manually operated by applying torque to an input shaft 22, which turns a bevel gear 64 to rotate gear 30, which effects movement of the control rod or ball stud 24. The Office Action states that the gear 30 of Burton '153 is equivalent to the anti-rotation gear of Claim 11, and the ball stud 24 of Burton '153 is equivalent to the control rod of Claim 11. If the motor of Miki replaced the manual adjusting mechanism, including the input shaft 22, bevel gear 64 and gear 30, then, as described above with respect to Claim 1, the gear 30 (or anti-rotation gear in the case of Claim 11) would not be necessary. If the motor of Miki replaced only the input shaft 22 and bevel gear 64, or the input shaft 22 alone, then the motor would not engage the control rod as recited in Claim 11. Therefore, a routine replacement of the manual adjusting mechanism has not been made, as the adjuster of Claim 11 has both a manual adjusting mechanism, namely, the anti-rotation gear, and an automatic adjusting mechanism, namely, the motor. Both the anti-rotation gear and the motor engage the control rod, and can independently operate the adjuster, as recited in Claim 11 as amended herein. Claim 11 is thus not an obvious modification of the adjuster of Burton '153 with the motor of Miki.

Independent Claim 23:

The Office Action rejected Claim 23 over Burton '153 in view of Miki because Burton purportedly teaches all of the elements of Claim 23 except a motor engaged to the housing wherein the motor has a driver unit with a magnetic rotor positioned therein and the control rod

passing through the magnet via threaded engagement, and Miki discloses an axis adjusting apparatus wherein a motor integrally has an automatic angle adjusting structure for automatically adjusting the angle of the illumination axis of an automotive headlamp. The Office Action thus states it would have been obvious to modify the adjuster of Burton '153 to incorporate the motor of Miki because it has been held that providing a mechanical or automatic means to replace manual activity which accomplishes the same result involves only routine skill in the art. Applicant respectfully disagrees.

Like Claims 1 and 11 discussed above, Claim 23 is not obvious because the adjuster of Claim 23 has both an automatic adjusting mechanism and a manual adjusting mechanism. As previously described, the adjuster in Burton '153 is manually operated by applying torque to an input shaft 22, which turns a bevel gear 64 to rotate gear 30, which effects movement of the control rod or ball stud 24. The Office Action states that the gear 30 of Burton '153 is equivalent to the anti-rotation gear of Claim 23, and the ball stud 24 of Burton '153 is equivalent to the control rod of Claim 23. If the motor of Miki replaced the manual adjusting mechanism, including the input shaft 22, bevel gear 64 and gear 30, then, as described above with respect to Claims 1 and 11, the gear 30 (or anti-rotation gear in the case of Claim 23) would not be necessary. If the motor of Miki replaced only the input shaft 22 and bevel gear 64, or the input shaft 22 alone, then the motor, or the motor's magnet, would not engage the control rod as recited in Claim 23. Therefore, a routine replacement of the manual adjusting mechanism has not been made, as the adjuster of Claim 23 has both a manual adjusting mechanism, namely, the anti-rotation gear, and an automatic adjusting mechanism, namely, the motor. Both the anti-rotation gear and the motor (via the motor's magnet) engage the control rod, and can

independently operate the adjuster as recited in Claim 23 as amended herein. Claim 23 is thus not an obvious modification of the adjuster of Burton '153 with the motor of Miki.

Dependent Claims:

Independent Claims 1, 11 and 23 are not obvious, as established above. Thus, the claims that depend therefrom, namely, Claims 2-10, 12-19, 21 and 24-27, are also not obvious.

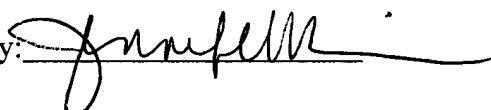
Conclusion

In view of the remarks and amendments presented herein, it is respectfully submitted that claims 1-19, 21, and 23-27 are in condition for allowance and reconsideration of same and notice of allowance of the claims is respectfully requested. Applicant submits that no new matter has been added to the application and requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application, particularly before the issuance of a final rejection. Applicant hereby authorizes the fee for a one-month extension of time to be charged to Deposit Account No. 07-1509, Godfrey & Kahn, S.C.

Respectfully submitted,

GODFREY & KAHN, S.C.

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